REMARKS

In the Office Action, the Examiner indicated that claims 1 through 26 are pending in the application and the Examiner rejected all claims.

Claim Rejections, 35 U.S.C. §103

On page 2 of the Office Action, the Examiner rejected claims 1-26 under 35 U.S.C. §103(a) as being unpatentable over MSN Instant Messenger Protocol ("MSM").

On page 6 of the Office Action, the Examiner rejected claims 1-21 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,024,209 to Gress et al. ("Gress") in view of Applicants' Admitted Prior Art ("AAPA").

The Present Invention

The present invention teaches a method and system that enable the receipt of Server Initiated Actions (SIAs) on non-short message service (SMS) enabled devices, using existing infrastructure. An IP-based messaging protocol, such as existing "chat" architecture, is utilized to act as a transport for messages. A network server constructs an SIA chat message and delivers it to the mobile client. The mobile client examines the chat message and, if the message is configured to indicate that it is an SIA message, then the message is not shown to the user, and an indication is displayed advising the user of the purpose of the SIA message (e.g., to indicate the receipt of new email). Alternatively, upon receipt and identification of the SIA message, an action causing the mobile client to perform a function identified by the SIA message can be

initiated, for example, to begin to download email immediately. Specifically, claim 1 recites "determining whether said activation message contains a server initiated action (SIA) message; and if said activation method contains an SIA message, configuring said non-SMS device to initiate an action contained in said SIA message."

MSN Instant Messenger Protocol (copied text provided by Examiner, found at hypothetic.org)

MSN Instant Messenger Protocol ("MSN") teaches an instant messaging service for use over TCP-IP networks. MSN utilizes a Unicode based text only protocol with a defined packet structure. By modifying the fields of this packet, MSN users can use the messenger to send multiple types of messages, such as messages including pictures or other attachments.

U.S. Patent No. 7,024,209 to Gress et al.

U.S. Patent No. 7,024,209 to Gress et al. ("Gress") teaches a unified communications system configured for receiving, storing, and/or sending SMS messages. Included in this unified communications system is a way for non-SMS-type devices to communicate with SMS devices.

The Examiner Has Not Established a *Prima Facie* Case of Obviousness

As set forth in the MPEP:

> To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skilled in the art, to modify the reference or to combine reference teachings.
> MPEP 2143

As discussed above, the present invention determines whether a message contains an SIA message, and, if so, activates a non-SMS enabled device to perform an action contained in the SMS. This features differs from the prior art as it allows a cross-platform communication system without a loss of the standard SMS functionality.

The Examiner acknowledges that MSN fails to teach or disclose communicating with a non-SMS client as well as initiating an action at the non-SMS client in response to an SIA message. The Examiner asserts that it would have been obvious to one of ordinary skill at the art at the time of the invention to include both a non-SMS client as well as initiating an action at the non-SMS client in response to an SIA message. Applicants respectfully disagree with the Examiner's assertion.

The MSN disclosure provides no teaching of initiating an action at a non-SMS client in response to an SIA message. The Examiner states it would have been obvious to initiate a well known browser program such as Internet Explorer to access an email message received by the client. However, MSN provides no basis for including interaction with an outside application. It would extend beyond the capabilities of one of ordinary skill in the art to reprogram MSN to include an automatic call to a browser program such as Internet Explorer. Another option would be to prompt a user to open the browser, however, this user interaction would teach away from the present invention where the device is solely initiated by the SIA message itself.

Similarly, Gress provides no teaching or disclosure of initiating an action at a non-SMS device in response to a SIA message. Gress is merely concerned with communication translation, and fails to mention handling SIA messages.

In light of the foregoing arguments, it would not have been obvious to modify either MSN or Gress to arrive at the presently claimed invention. Specifically, neither reference discloses initiating an action at a non-SMS client in response to a SIA message. Without such a teaching, the rejections of claims 1-26 under 35 U.S.C. §103(a) must fail and the Examiner is respectfully requested to reconsider and withdraw the rejections.

Conclusion

The present invention is not taught or suggested by the prior art. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 09-0461.

Respectfully submitted,

November 21, 2007
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